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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,383

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Edward Michael Silver

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04/26/2006

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EXAMINER

BLOUNT, ERIC

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/784,383	Applicant(s) SILVER ET AL.	
	Examiner Eric M. Blount	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The indicated allowability of claims 10 and 11 are withdrawn in view of the newly discovered reference(s) to Yokota. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 6, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Yokota [US 6,604,049 B2].

As for **claim 1**, Yokota discloses a method for identifying a location comprising:

- a. A viewing apparatus that enables a user to have a view of his or her surroundings and to select a location from the view of the surroundings for identification (Figure 3, column 3, lines 25-39);
- b. Causing the viewing apparatus to transmit location information regarding the location as selected by the user for the identification, the location information including an image of a target in the surrounding (column 7, lines 14-25);
- c. Providing a location identification device operative to receive the location information, to use the location information to determine identification information for

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the location, in response to at least the image of the target and to transmit the identification information to the viewing apparatus (column 7, lines 24-33); and

d. Causing the viewing apparatus to display the identification information on the view of the surroundings (column 9, lines 3-6

As for **claims 3 and 7**, Yokota shows a step of causing the viewing apparatus to display the identification information in association with the location on the view of a the surroundings (column 6, lines 24-31, column 12, lines 60-67, and Figure 3).

Regarding **claim 6**, Yokota discloses a system for identifying a location comprising:

- a. A viewing apparatus (10);
 - i. Providing a user with a view of his or her surroundings (see Figures);
 - ii. Allowing the user to select a location from the view of the surroundings for identification (column 5, lines 3-12);
 - iii. Operative to transmit the location information data regarding the location, the location information including an image of a target (column 5, lines 13-23);
- b. A location identification device operative (30),
 - i. To receive the location information,
 - ii. To use the location information to obtain identification information about the location in response to at least the image of the target,
 - iii. To transmit the identification information to the viewing apparatus (see column 9, lines 6-30 and column 10, lines 43-45).
- c. The viewing apparatus is further operative to display the identification information about the location on the view of the surroundings (column 12, lines 60-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 4, 5, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota as applied to the claims above and in further view of Bide [US 6,470,264].

Regarding **claims 2, 10, and 11**, Yokota does not explicitly disclose that the viewing apparatus transmits orientation information. However, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that when using the camera of Yokota orientation information about a selected location is obviously sent. The orientation information would be based on the angle at which the image was obtained. In an analogous art, Bide discloses a step of causing the viewing apparatus to transmit orientation information regarding the location as selected by the user for identification (column 3, lines 10-23 and 34-40). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that while orientation information is not explicitly taught by the references, the information is obviously transmitted so that information associated with an image can be properly presented to a user when recalled.

As for **claims 4, 5, 8, and 9**, Yokota discloses that identification information may be provided for a particular image (Figures 1 and 8). Yokota does not explicitly state that the

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information may comprise an address or telephone number. In an analogous art, Bide discloses that identification information can comprise an address and/or telephone number (column 6, lines 18-27). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Yokota to include the display of address and telephone information because the modification would result in a system capable of providing a user with more detailed information for identifying a location.

6. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota in view of Bide as applied to the claims above and in further view of Hakala et al [U.S. Patent No. 6,452,544].

Regarding **claim 12**, Yokota does not disclose that a location may be determined to be a specified distance from a user. Bide suggests, but does not specifically disclose that a location may be determined to be a specified distance from a user. In an analogous art, Hakala discloses a system for identification of a location wherein identification information may be displayed in a user's field of view (Figure 1A and column 4, lines 37-62). Hakala teaches that the system may provide identification information to a user as a user comes within a range of a location (point of interest). The identification information may be displayed to the user (column 9, lines 1-26). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the Yokota and Bide inventions to include the concept of automatically providing identification information as a user comes within a range of a point of interest. This would have been an obvious modification because it would provide a system for identifying locations or points of interest that requires little or no interaction from a user in order to obtain

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identification information. This type of system would be advantageous for tourist and educational attractions.

As for **claim 13**, each invention discloses that identification information may be displayed in association with the location on the view of a user's surroundings (see claims above).

As for **claims 14 and 15**, each reference teaches that a plurality of types of information could be provided as identification information (Hakala, column 9, lines 55-60 and Bide, column 6, lines 18-27).

As for **claims 16 and 17**, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that the system must determine that the location and orientation in the view is within a specified distance from the user. This is obvious because information is retrieved automatically. Bide shows that location information and orientation are used to identify the identity of the location. If a location is outside of an operable range for retrieving information for that location, identification information will not be retrieved.

Conclusion

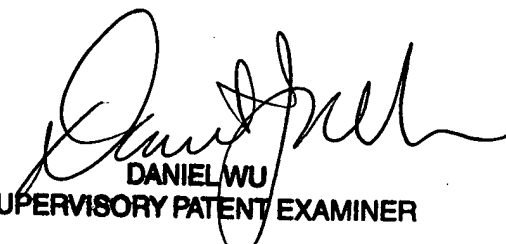
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount
Examiner
Art Unit 2612


DANIEL WU
SUPERVISORY PATENT EXAMINER
4/17/06